

FISCAL MEMORANDUM
SB 3791 – HB 3436

May 14, 2008

SUMMARY OF AMENDMENTS (016377, 018556, 018269):

Amendment 016377 deletes the original bill in its entirety. Provides time frames within which workers' compensation benefit review conference requests must be filed. Requires any administrator's designee to be a licensed Tennessee attorney with a minimum of five years of experience with Tennessee Workers' Compensation Law. Authorizes parties to proceed directly to court in certain circumstances based upon rules promulgated by the Department of Labor and Workforce Development (LWFD). Requires physicians and chiropractors to determine impairment ratings and to report to LWFD within 10 calendar days from the date of maximum medical improvement. Requires such rating to be reflected in the employee's medical records and provided to the employer upon request. The provider would be authorized to charge a fee of \$150 for such report. Revises the requirements for the dismissal of a workers compensation claim when the employee fails to appear at the scheduled benefit review conference.

Amendment 018269 deletes section eight of the amended version of the bill and replaces it with language requiring the Commissioner of the Department of Labor and Workforce Development to establish rules governing the provision of the medical impairment rating required by Tenn. Code Ann. § 50-6-204(d)(3)(A).

Amendment 018556 adds a new section to the amended version of the bill and requires any comments by the advisory council on workers' compensation to describe the potential effects of proposed legislation on the workers' compensation system and to provide information or suggestions that the council may think helpful. Such comments may include recommendation for or against passage of the legislation. Prohibits staff of the advisory council from lobbying or advocating for or against passage of proposed legislation beyond reporting the recommendations for or against passage of the proposed legislation and responding to questions by legislators.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Expenditures – Not Significant

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FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Increase State Expenditures – Not Significant

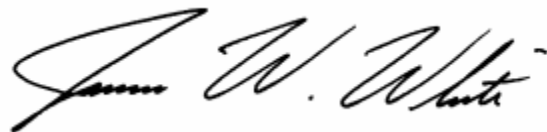
Other Fiscal Impact – To the extent that the Department of Labor and Workforce Development decides to authorize a fee for the provision for a final medical report there will be an increase in expenditures to the Risk Management Fund. The amount of such increase cannot be quantified without knowing the amount of such fee. If LWFD chooses not to authorize such fee, there will be no impact to the Risk Management Fund.

Assumption applied to amendments:

- Any increase in state expenditures for LWFD to implement the provisions of the bill are estimated to be not significant and can be handled without an increased appropriation or reduced reversion.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White".

James W. White, Executive Director

/cce